



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

CHARTER REVISION COMMISSION

October 27, 2008

I CALL TO ORDER

Commissioner Bafundo called the meeting to order at 6:31 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Nancy Bafundo – Chair
Tony Boni
Peter Boorman
Robert Briggaman
Alan Nafis

Also Present

Jeff Wright – Mayor
Justin Clark – Counsel (exited meeting at 7:00pm)
Tanya Lane – Town Clerk
Ben Ancona – Town Attorney

(Note: Verbatim comments indicated by *italics* unless otherwise noted.)

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane, Town Councilor: Mrs. Cohen clarified her comments in two sections of the October 7, 2008 meeting minutes in which her comments were not audible on the tape:

- Page 2, Line 7 should read, “which exempts notes in anticipation of taxes from a public hearing should not be deleted”
- Page 12, Line 8 of her comments should read, “it is not the last date for the Charter to be presented to the voters.”

Mrs. Cohen commented on the following sections of the Charter in regards to the October 2, 2008 revision version of the document:

- Section 708 – Add the word “departments” to the section so that it reads: “except those which the Town Council determines shall be administered by other departments”.
- Section 605 – The reference to Superintendent of Parks and Recreations has been removed from section 605. While the Commission may not want to list every department individually in the Charter, a department as important as Parks and Recreation should be listed in Article 7 of the Charter.
- Section 709 – The word “of” has been omitted from the last sentence “The Director of Senior and Disabled Center Services”

- Section 808 – Ann Harter referred to the capital and non-recurring expenditure funds projects. This would not include public building fund projects and public school capital improvement projects. However, the new wording which states, “any capital project funds” does include public building fund projects and school capital improvement projects, which may not have been Ms. Harter’s intention.
- Section 804 – The Town Manager’s proposed budget to the Council includes the Board of Education Budget. There has been discussion in past years regarding the Town Manager passing though the Board’s budget as presented by the Board, or the Town Manager making his or her recommendations regarding the Board’s budget. Considering current and future fiscal problems it should be clear that the Town Manager has the authority to adjust the Board of Education’s budget if he or she considers it necessary.
- Section 805 – The sentence regarding *the fixed income tax rate and the mill* is being deleted. Whether or not the Commission decides to provide for a budget referendum the budget has to have a mill rate, even if proposed section 821 requires the process to start with the mill rate.
- Section 821 – How can the Commission endorse the section as written without discussing each sentence? Some items to consider:
 - Why mandatory and not by petition?
 - How many votes to reject the budget?
 - Why is there no minimum number of electors required to vote? It should state that the Council’s budget would be rejected if the majority of those voting reject the budget and such majority consists of 15% or more of qualified electors.
 - There is no reason for more than one referendum; explanation would be needed if the Commission should think otherwise.

Mrs. Cohen remarked that with past Charter revisions there have been detailed explanations for every recommended major change and remarked that she has not yet received an explanation of the term “real dollar value”. She inquired whether it is the total proposed expenditures, amount to be raised by taxes or something else all together. Mrs. Cohen noted that for the current 2008-2009 budget the total proposed expenditures increased 3.77%, the amount to be raised by taxes increased 4.56%, and the mill rate increased 2.86%. She commented that it is important to know the exact meaning of the term.

V MINUTES

A 10-7-08 Meeting

Commissioner Briggaman indicated that on page 6, six lines from the bottom, the phrase “disagree disrespectfully” should read, “disagree respectfully”

Commissioner Nafis indicated that on page 5, seven lines from the bottom, the phrase “presented a document” should read, “praised a document”

Commissioner Briggaman moved to accept the minutes of the 10-7-08 meeting as amended. Motion seconded by Commissioner Boni. Motion passed 5-0.

VI MATTERS TO BE CONSIDERED

The Commission agreed by consensus to discuss agenda item VI-B, Discussion, as Time Allows, Introduction to Modification of Proposed Section 821 (Permissive v. Automatic) first.

B Discussion, as Time Allows, Introduction to Modification of Proposed Section 821 (Permissive v. Automatic)

Commissioner Boorman distributed his proposed language for a permissive budget referendum to be considered in the place of the current proposed language for an automatic referendum. He noted the extensive conversation that took place at the prior meeting regarding permissive versus automatic, and noted that Commissioner Bafundo had requested to have some language put together for a permissive referendum. Commissioner Bafundo clarified that she hadn’t requested the language; her comments were simply in response to Commissioner Boorman’s motion at the previous meeting.

Commissioner Boorman stated that the discussion about permissive versus mandatory is one in which the Commission must choose which policy direction to go in and he remarked that the easiest way to address the issue is to use what is in the existing Charter. He noted that Charter Section 410 is in regard to the right of referendum on ordinances and Section 411 is in regards to initiative, and noted that the one item that is not in either section at this time is the ability to adopt a budget ordinance by either mechanism. He noted the success of the right of referendum in the past for issues such as Kimberley Road and the Indian Hill Golf Club. Commissioner Boorman indicated that he has inserted language into Sections 410 – Right of Referendum on Ordinances and 411- Initiative that makes it clear that adopting a budget could be included in both sections. He requested to discuss the mandatory nature of the budget referendum, as it exists in Section 821 with the intent to remove the mandatory nature and replace it with language regarding the permissive nature. Commissioner Boorman indicated that he tried to keep the language changes simple and direct and in context with how the rest of the document reads in Sections 410 and 411. The proposed language additions are as follows (changes indicated in **bold**):

- Section 410 – Right of Referendum on Ordinances
Electors shall have the right to petition for a referendum in accordance with the Connecticut General Statutes on any ordinance passed by the Council **including an ordinance adopting an annual budget**, except an emergency ordinance...
- Section 411 – Initiative
The electors shall have the power to propose to the Council any ordinance, **including an ordinance adopting an annual budget**, except an ordinance appointing or removing officials...

Commissioner Boorman noted that the Town Council is elected by the people, and indicated that is the basis of representative democracy - a basis that the Commission has discussed many times. He stated that those that want a budget referendum are seeking a process more along the lines of direct democracy. He remarked that he believes that this proposed language serves as a compromise position to those who feel that a budget referendum is not appropriate at all and those who believe that a budget referendum is a must. He stated that if there is a group of people within the Town who wish to vote on the budget then the burden should be on that group to create the push to make the referendum happen. He stated that under the permissive system the Council would go through the normal budget process and if there happened to be, for example, an education group that is looking to increase the budget, that group could go out and secure the appropriate number of signatures in a petition to bring before the Council and ultimately bring before the voters.

Mayor Wright stated that he supports the previously proposed language regarding a three-percent tax cap and a mandatory budget referendum, and indicated that the language is a great compromise because it allows people to participate in our government. He explained that it is a compromise because it does not call for a referendum if the tax increase is less than three-percent. Mayor Wright stated that he does not agree with the proposed permissive referendum language and stated that the burden should not be on the people – rather the burden should be on the Town's government to sell any increase greater than three-percent to the voters. He stated that the government should not be afraid to allow the people to participate in the process without barriers and stated that the government should encourage people to get involved. He again stated support for an automatic referendum when the increase is greater than three-percent. He remarked that this is better government.

Commissioner Briggaman remarked that while he agrees that it may be relatively easy to obtain petition signatures the first and second year of the budget referendum, the enthusiasm and luster for gathering signatures will wane and it will be difficult to keep up the enthusiasm for gathering signatures over the years. He stated that in that case the losers will be the taxpayers of the Town. He stated that the Town has finally broken the cycle of tax increases of seven to eight percent over previous years and stated that if the referendum is permissive then the Town could revert to such tax increases. He stated that he does not support a permissive referendum process.

Commissioner Bafundo expressed concerns with the timing of a permissive referendum and stated that her research has led her to support a mandatory referendum from a timing perspective. She noted the importance of approving the budget before the start of the fiscal year and stated that the petition approach could delay the process. Commissioner Boorman replied that just as the dates had been manipulated by the Town Manager to work for a mandatory referendum the same could be done for a permissive referendum so that it does meet time requirements. He stated that the Town Manager and department heads could work to get that done, and noted the timing of either referendum process must be in accordance to State Statutes. Commissioner

Boorman also agreed with Mrs. Cohen that there should only be one referendum vote per year, and stated that he does not see a need for a second vote, *especially under the mandatory scheme where a second time around is really a foregone conclusion that wastes taxpayer dollars and doesn't make any sense*. He stated that a permissive referendum allows people to have their say if they want to have their say. Commissioner Boorman remarked that he feels that the people of Newington have been quite satisfied with their elected representatives over the years and noted that if the people are unhappy they can vote to bring in a new team every two years, as demonstrated at the last municipal election. He addressed Commissioner Briggaman's concerns about decreased interest in petitioning as the years pass and stated that it is incumbent upon saying to the representatives that if they are not producing what the people want they will not be elected again. He stated that the permissive referendum sends a message to the elected officials that they are valuable members of the Town and that they should take the time out of their lives to be educated about the budget and take the time and expertise needed to pass the budget.

Commissioner Nafis inquired about the Mayor's meaning of "compromise" in Section 821 and inquired whether the compromise refers to the three-percent increase required for the mandatory referendum. Mayor Wright replied in the affirmative. Commissioner Nafis stated support for the permissive referendum and stated agreement with Commissioner Boorman's comments. He stated that the Council should take the position that they must sell the budget prior to it going out to referendum, and stated that he does not see a reason to incur the expense of an automatic referendum that people may not even care about. Commissioner Nafis noted concerns about people losing interest in the petition process and stated that he has concerns about people losing interest in coming out to vote for a budget.

Mayor Wright stated that reasonable people can debate about a permissive versus automatic referendum, and stated that it is important to note that the automatic referendum would only occur with an increase of greater than three-percent. He stated that if five-percent of the voters are required to sign a petition for a referendum that is 850 people, and stated the burden should not be placed on the people when the government is trying to place the burden of additional taxes above three-percent on the people. He stated that people are educated, people are smart and they deserve this right. Mayor Wright commented that *clearly in the last election they signaled that this is something they want, and I think this can be debated back and forth but this approach is very strong, is a compromise and is fiscally responsible in that it does not require a referendum every year – only in those years where the proposed tax increase is greater than three-percent*. He expressed support for a mandatory budget referendum when there is an increase of greater than three-percent as currently written and remarked that any increase greater than three-percent is a net growth, or gain, for the government and less net money in the taxpayers' pockets. He stated that he does not understand why *we are so afraid to let the people vote on this*. Commissioner Nafis replied that *we are not afraid to let people vote on this, we just don't think this is the proper way to run our government*. He indicated that he has not yet been told why it is so important to do this now or what has happened over the past 44 years that makes it so imperative to get this done. Commissioner Nafis stated that he does not think it is unreasonable to have five-percent of the voters sign a petition for a referendum. He noted the great participation in the West Hartford referendum, and stated that the petition process got people interested and involved. Commissioner Nafis stated that the Town would be better off with a permissive referendum that would allow the Council to do its job. Mayor Wright stated disagreement with Commissioner Nafis' opinion, and remarked that the proposed mandatory referendum is an improvement over West Hartford's referendum process in that it does not allow the process to go past the end of the fiscal year. He also noted that the West Hartford referendum allows the Council to do whatever it wants with the budget after the second failed vote. He stated that the proposed mandatory referendum is a perfect example of a referendum that gives power to the people, and the politicians should not be able to demand a tax increase greater than inflation without permission through a positive vote. He stated that requiring a petition is yet another hurdle towards giving people a say in the process. Mayor Wright again expressed support for an automatic referendum that gives the people a say.

Commissioner Boorman stated that this has nothing to do with timing, has nothing to do with West Hartford, and has nothing to do with not wanting people to vote. He noted that in every state in which some kind of referendum occurs there will always be special interest groups that come in to jam things down people's throats. He noted that just one week before the election voters are now seeing commercials regarding the constitutional convention that *are now saying to do the constitutional convention so that we can do away with abortions, we can do away with gay marriages, and you see that there are people that are pushing to legalize marijuana... and it is just an invitation to do away with democracy and an invitation to get special interests who are small groups of motivated people who get funded and are going to come and tell you, the voters of*

Newington, how to run the government, and in our particular instance how the budget is going to work rather than you, who elect your people every two years... instead of leaving that mechanism that has worked all these years. It is just a gimmick, and that's the thing the voters need to know. If this thing goes mandatory then that is what the voters of Newington are going to have to make a decision about – are they going to be gimmicked, and are they going to be tricked by this gimmick that is being put forth? I hope it's true for the constitutional convention that is coming up and I hope it's true when this comes up also. Commissioner Bafundo inquired whether Commissioner Boorman believes that a referendum is a gimmick. Commissioner Boorman replied that he believes that a mandatory referendum is a gimmick. Commissioner Bafundo stated that she fails to see how having people vote and have a say in their budget is a gimmick. (Several people speak at once.) Commissioner Bafundo noted that fewer and fewer people are running for office as fewer people have time to volunteer. She stated that there are a limited number of candidates and stated that the same people run for office year after year, therefore people don't have a choice as they are essentially voting for the same pool of candidates year after year. She commented that while the voters had the opportunity to elect new candidates in the last election there is no way of predicting whether that will happen again in the future so *saying that every two years that people have an opportunity to vote people out of office – well they can vote a few out of office but they are not voting everybody out of office, so that's a joke. The parties do not run new candidates every two years. Allowing people to vote on a budget every year gives people the opportunity to say, "yes, I can afford to spend it" or "no, I can't afford to spend it" – if they need to vote. If the Council comes though with a budget that's three percent or less then they don't even have to vote on the budget. That is where I come to support the language that is before us and was open to look at the language that you (Commissioner Boorman) had provided us with.* Commissioner Bafundo stated that five-percent of the voters in a one-time petition does not give the voters the opportunity to express themselves and doesn't allow for the same timeframe as the current proposal. She stated that she is less likely to support the language for a permissive referendum than she is for a mandatory referendum and stated concerns with calling a mandatory referendum a "gimmick".

Mayor Wright noted Commissioner Boorman's statements regarding constitutional convention and special interest groups and remarked that the mandatory referendum caters to one special interest – the people of Newington and the taxpayers. He stated that it allows the people to have a voice in the government on a regular basis. He stated that the single most important issue for the people of the Town is the property taxes and how fast the taxes go up. He noted that in the early 1980s Massachusetts passed Proposition 2.5, which limited the property tax increase for local communities to 2.5% unless the taxpayers in the community voted for a higher tax increase, and noted that there is no measurable difference in the quality of education between Connecticut and Massachusetts and remarked that in many ways Massachusetts is a much more vibrant and economically successful state than Connecticut. He noted that Connecticut, *where we don't give the people the right to vote and have a say in crucial issues like taxes on a local basis, where we don't give them that... Connecticut has consistently for years been between number one and number three for the highest tax states in the country and as a result we've had one of the lowest levels of economic growth and success. There's been less jobs created in the State and we've had more people move out of the State than have moved into the State. The State is moving in the wrong direction and this is a small step to make things right in the Town of Newington and I think it's the right way to go.* He stated that the typical person in Newington pays roughly \$5000 per year in property taxes, which is more than the average family pays in State income taxes and probably more than they pay to the federal government, excluding social security taxes. He stated that this is a way for the people of the Town not to have to *jump though all of these hurdles... and the more hurdles we put up before them the harder it is to have a say. I think it is a very good proposal in front of us and I have no appetite for discussing making certain levels of people have to participate. If only one person comes out to vote on a budget referendum then God bless them – they are the most franchised voter in the Town.* Mayor Wright stated that the process streamlines tax increases and aligns government with inflation. He stated that people cannot afford large tax increases and stated that government needs to learn to live within a budget. He stated that it is a simple, straightforward process. Commissioner Boorman noted the Mayor's comments that "If only one person comes out to vote on a budget referendum then God bless them" and stated that it is really about allowing a small group of people to dictate the outcome.

Commissioner Boorman moved to eliminate language in Section 821 and replace it with language that has been submitted tonight entitled "Permissive Referendum/Initiative."
Motion seconded by Commissioner Nafis.

Commissioner Boorman remarked that everyone has heard each other's opinions regarding the issue. He stated that everyone feels strongly about the issues and stated that the Commission needs to create a record as to who is going where on these votes. He noted that the Commission is made up of three Republicans and two Democrats and remarked that he is not surprised to hear these comments despite some Commissioners who may have indicated that they would have open minds related to these issues. He asked the Commission to support his motion and to make a fundamental change from the direction it has been going. Commissioner Bafundo stated that she was looking forward to the alternative language and remarked that it is unfortunate that the Commission was presented with the alternative at the present meeting because it allowed no time for review. She stated that she did not appreciate being told that *I'm of one party or one belief and I am going to vote one way and not the other. I do take offense to that.* Commissioner Bafundo stated that she will not support the motion, not because she is a Republican but because she does not feel that the proposed language is the correct way to go. She commented that it does not address allowing the proper time and commented that the five-percent is too high and it is not fair to put the burden on the citizens. Commissioner Briggaman remarked that his previous views regarding automatic versus permissive referendum stand. Commissioner Boni noted Commissioner Boorman's comments that *"the majority of the people in this Town are very happy with the way things have been going for the past number of years"* and remarked that if that's true, then the proposed referendum will fail.

Commissioner Boorman noted that the Commission spent a significant amount of time speaking about permissive versus mandatory referendum and noted Commissioner Bafundo's comments at the previous meeting that she would have an open mind towards the issue. He stated that his proposed language is the most basic possible change that talks about permissive, and stated that he specifically indicated that he is not married to any of the language, and yet *you have no recommendations for it. I hope maybe you'll come back maybe another time and put forth your own language relative to something that's permissive.* He also noted Commissioner Bafundo's comments that the five-percent is too high and remarked that on the first run-through of the Charter the Commission did not feel that the five-percent was too high for any other referendum or initiative.

Mayor Wright and Commissioner Boorman requested a roll call vote:

Commissioner Bafundo – no
Commissioner Boni – no
Commissioner Boorman - yes
Commissioner Briggaman – no
Commissioner Nafis – yes

Motion failed 2-3 according to roll call vote above.

The Commission agreed to discuss agenda item VI-A – Discussion – as time allows, Proposed Language for Charter Revision Re: Budget Referendum

- A Discussion – as time allows, Proposed Language for Charter Revision Re: Budget Referendum

Mayor Wright introduced language amendments to proposed Section 821 (J) as follows: (amended language is at the end of the section):

- **EDUCATION CIRCUIT BREAKER whereby any increase in Board of Education proposed expenditures shall exceed any increase in non-Board of Education proposed expenditures by 0.5% (e.g., if the non-Board of Education budget increases by 2% the Board of Education budget must increase by no less than 2.5%)**

Commissioner Boni moved to accept the proposed amendments to Section 821 (J). Motion seconded by Commissioner Briggaman.

Commissioner Nafis asked the mover for an explanation of the language. Commissioner Boni explained that, for example, if the Town's budget fails both referendum and is therefore increased by 3.0% the Board of Education's budget must increase by at least 3.5%. Mayor Wright stated that it is a mandatory spread to make sure that the Board of Education gets more attention. Commissioner Boorman asked the mover to explain why this language is a good idea. Commissioner Boni replied that many people are concerned about

education in Town and stated that the education circuit breaker is a good way to alleviate those concerns and to help the Board of Education continue to do a fine job. Commissioner Boorman noted proposed language that states "the non-Board of Education budget increases by 2% the Board of Education budget must increase by no less than 2.5%)" and inquired about the Board's budget. Commissioner Boni replied that the Board's budget is about \$52,000,000 and the Town's budget is about \$40,000,000. Commissioner Boorman inquired whether *the intention of the circuit breaker is to increase the percentages along those lines*. Commissioner Boni replied that the Board has been getting *a lot more than that every year*. Commissioner Boorman inquired whether the intent is to give the Board, with a \$52,000,000 budget, a 2.5% increase while giving the Town, with a budget of \$40,000,000, only a two-percent increase. Mayor Wright noted that the percentage difference is just an example, and stated that *whatever the ultimate tax increase is there will be a bias that will help the children, and it makes it a mandatory part of the process*. Commissioner Boorman inquired whether any of the Commissioners have a problem with the mandatory nature of the language, and inquired what would happen if the Board of Education does not need the extra increase and the Town does need the increase. He inquired as to what message this sends to the Town employees, and inquired why the *elected representatives can't be trusted to make this determination rather than having a mandatory item that has no basis in reality in any given year*. Mayor Wright stated that *we felt that it was a very important thing to have an educational circuit breaker. The bottom line is, we need to make sure that the children are protected the best we can. This gives a slight bias towards education over general government in the form of an educational circuit breaker. Bottom line is, if you don't like it and you don't want to give an edge to education than you can vote no*. Commissioner Nafis implored the people at the table to be reasonable. (Several people speak at once.) Commissioner Nafis stated that the circuit breaker seems like just another arbitrary number. He remarked that no one knows what each budget will need each year, and yet *we are going to put in our Charter that we have to do this*. He stated that the Town needs to have faith in the people it elects, and remarked that voting against the education circuit breaker is not a vote against the children in this Town.

Commissioner Boorman stated that this *whole thing is silly. We are looking to put in language into our Constitution, language that is going to handcuff our representatives...* (comment not audible due to background noise) *It's a lie to the Town of Newington's electors, to the people that are voting, because you have to follow these nonsensical, non-based numbers that in no way reflect any reality that comes before the body that makes an annual budget*. Mayor Wright stated that the circuit breaker does not dismiss the work of the elected officials, noting that there are still many decisions for the officials to make. He explained that the circuit breaker outlines certain priorities in the Charter. He stated that it is a priority to keep taxes under control and it is a priority that if the tax increase is greater than three-percent, the historical rate of inflation, that people should have a right to vote on the budget. He stated that if the politicians can't sell the reasons why they need growth of greater than three-percent then they won't get it, and at that point the educational circuit breaker will assure that education gets slightly more than general government. He noted that one-half of one percent is slightly less than \$500,000 of the budget on an annual basis. Mayor Wright stated that it is recognition *that the children of this Town are important, and that we want to put children first*. Commissioner Boorman replied that it has nothing to do with putting children first and stated that if the Town wants to put children first it should allow the Council and the Board to deal with whatever budget issues they are confronted with on an annual basis. He noted an example that the national government has put the country in a deep economic hole and stated that the Congress is going to have to deal with it. He stated that the Congress does not have *this restrictive language that says that when the market has gone down thousands of points in a matter of weeks that we're going to put handcuffs on them to tell them what to do. Is that what we want to do next year when our Council is trying to put together a budget and the Board of Education has submitted its budget and when issues are of significant concern and maybe it is one of those years where it has to be more than three-percent. If the people don't buy it we will be laying off teachers and Town workers due to the nature of the economy. Why do we have to build that into a situation rather than leaving the flexibility to the representatives to take any situation that comes up?* Commissioner Boorman stated that there is no way to predict what will happen in the future economically, and noted that in the ten months that the Commission has been meeting there have been extraordinary issues with the economy, the stock market and fuel prices. He inquired why the Town should tie the hands of the elected officials who have to make the decisions; and inquired why the Town can't trust its elected representatives. He noted that voters elect representatives every two years. Commissioner Bafundo stated that there are five Republican and five Democratic candidates, and only two are not elected. She stated that the Council sets policy, and identifies priorities for the Town, including budget process. She stated that citizens should have a right to determine the *priorities, because they are the ones paying the bill*. Commissioner Bafundo stated that it is a fact that people cannot afford a seven or eight-percent tax increase and stated support for the language as written.

Commissioner Boorman inquired whether Commissioner Bafundo's comments are to indicate that the current situation of electing officials every two years is unsatisfactory, and if so suggested that the Commission go back into the Charter and review how the Council and Board is put together. He challenged the accuracy of comments regarding the seven or eight-percent increase and noted that the votes for previous budgets were nonpartisan votes in which Democrats and Republicans joined together to pass the budgets, and stated that the current arrangement does work. Commissioner Bafundo replied that she never questioned the Council's structure. She stated that people *have a right to state what they believe and I don't believe that people should be disrespectful of their comments, nor should they try to interject words or aspersions of what they said or how they said it. I very clearly stated what I believe about the process and why this is a good solution and why I am supporting it.* Commissioner Boorman noted Commissioner Bafundo's two previous comments about *somehow the Town government doesn't work because we elect the same people over and over or because the same people run. Just because we have an animated discussion, just because we all have opinions... there is nothing wrong with expressing those opinions. We're not trying to stop you from having your opinion; you shouldn't try to stop me from having my opinion and we shouldn't try to stop the voters from having an opinion. The point is, this is a significant thing we are doing, and I happen to believe that the steps you are taking now is a fundamental error for the Town of Newington that will have long-ranging, far-reaching effects that will not be positive for the Town of Newington. I would be remiss if I didn't take the time, as a person appointed to this Commission, not to represent that and push discussion to try to find out why people are pushing in the directions they are pushing in.*

Commissioner Nafis noted that the education circuit breaker language was added to assure the Board of Education that the Town is thinking about it and commented that it is unfortunate that such language is necessary because the tax cap will prevent the Board from getting the money they probably need.

Mayor Wright requested a roll call vote:

Commissioner Bafundo – yes

Commissioner Boni – yes

Commissioner Boorman - no

Commissioner Briggaman – yes

Commissioner Nafis – no

Motion passed 3-2 according to roll call vote above.

Commissioner Nafis stated that while he understands that the three-percent cap is based on the average rate of inflation over a number of years he stated that he does not understand how an average inflation rate is relevant to an annual Town budget. He inquired whether the intent of proposed Charter Section 821 is that by limiting taxes to an increase of three-percent every year the Town is anticipating that it is going to have a three-percent increase every year so that twenty years down the road the Town will stay up with inflation. He noted that in 1990's there was very little to no tax increase over a period of about five years, and noted that one of the reasons for the tax increases in recent years was due to the lack of increases in the 1990s. He inquired what would happen if inflation is six percent one year, and if that were to happen whether it would cause the Town to struggle to provide services. Commissioner Briggaman replied that inflation is not going to pass the Town by, and stated that historically the inflation rate has gone up and down, elaborating that some years the increase has been two-percent and other years it has been four-percent. Commissioner Nafis replied that the Town cannot raise its taxes four-percent. Commissioner Briggaman stated that the taxes can be raised by four-percent with a vote. Commissioner Nafis stated that *that's not going to happen.... This whole thing is set up to fail above three-percent. It's a tax cap, the Mayor says it and everyone knows that this is what it's set up to be. So when we get to a four-percent inflation rate how do we keep up with it? Or do we have to stay at three-percent every year so that in twenty years we're on average?* Commissioner Boorman stated that the process is designed so that if the Council determines that a four-percent increase is needed and they are able to sell the increase to the voters then the people will vote for it. Commissioner Nafis inquired what would happen if people vote down a budget, and recalled a survey from the Town of Windsor, which indicated that 75% of voters in Windsor like the services offered in their Town, but 50% of people are willing to have an increase of zero to one-percent in order to keep the services, 25% are willing to have a one to two-percent increase and 25% are willing to have a three-percent increase. He remarked that there is a disconnect between what people are getting and how it is paid for, and stated that if the Council is really able to persuade people then there is no need for a referendum. He stated that *I suspect that there is never going to be a more than three-percent tax increase in this Town because it's set up to fail.* Commissioner Briggaman stated

disagreement that it is set up to fail and stated that it is set up to *give the people a voice on what they are going to pay*. Commissioner Nafis remarked that it is not set up to give the people a voice on *what they are paying for*.

Mayor Wright stated that three-percent is not an arbitrary number and noted that the average rate of inflation since 1925 is three-percent. He stated that using inflation as a benchmark, any tax increase greater than inflation is net growth for the government and a net decrease of dollars in the taxpayers' pocket. He explained that a way to streamline this is to *say that whenever the proposed tax increase from the Council is greater than inflation, at that point it is going to go out to the people. Ultimately, if the people vote for it, great and if they don't vote for it well then they've made a decision that they don't want to have their tax increased anymore and they want to have some services potentially cut. That's their choice and I have faith in the people of the Town of Newington that they are not automatically going to say "no". If we make a compelling argument to the people of why we need more than three-percent then guess what, the people will vote for it.* Mayor Wright stated that if the Town continues to do the right thing and keep taxes low and attracts businesses to come to the Town it will grow the tax base, and stated that the bottom line is that the Town needs to encourage growth. He stated that from a macro-perspective, prosperity is not in Connecticut, it's down south where property taxes are very low, and noted that people who are retired or are approaching retirement are not seeing large increases in their Social Security and noted that Social Security increased by only 2.3% in the past year. He stated that the Town needs to balance its needs, and this proposal lays out a balance and also provides a check and balance at the same time.

Commissioner Boorman stated that in any given year there may be a situation in which a three-percent increase is not enough, and inquired what would happen if that were the case and the Council failed to sell the increase to the voters. Mayor Wright replied that in that situation the Town would have to not spend as much money as planned. Commissioner Boorman asked the Mayor what "not spending as much as planned" means in terms of services. (Several people speak at once.) Mayor Wright replied that *we are not talking about real cuts; we're talking about reducing the increases in spending. This past year the Board of Education requested an increase of \$2.5 million and the Town Council worked through the numbers and gave the Board an increase of \$2.3 million. I love how some people define increases as "cuts". Those are not cuts - those are increases. That's why we still elect Councilors and Mayors – to make those decisions with what information and what dollars they have to work with.* Commissioner Boorman repeated his question about cutting services. Mayor Wright replied that a three-percent increase on a \$100 million budget is an increase of \$2.7 million, and if people wanted an increase that is not quite as large then there might only be a \$2.0 million increase on the table, so the government will still grow by \$2.0 million. He remarked that it's not a cut and noted that people have limited and finite resources in their personal budgets and generally do not have the ability to demand raises from their bosses. He stated that sometimes people have to work with less, and sometimes the Town will have to work with less of an increase. Commissioner Nafis stated that a budget increase is based on a certain amount of spending, and some of the increase is due to increased costs of contracts, fuel, healthcare, etc. He remarked that he trusts the elected officials to not to be too frivolous and to look out for the Town's best interest, and stated that if a budget does have to be cut back to three-percent then the Council is cutting something that it needed to spend money on originally. Mayor Wright replied that the cuts would be to the rate of increase, not to the expenditures. He inquired what the Council would say to the retired elderly widow who received a 2.3% increase in Social Security while at the same time the Town raises her taxes by eight-percent. Commissioner Boorman noted the Mayor's previous comments that people are leaving the State, and remarked that Connecticut residents are the highest paid people in the country per capita. He stated that the topic to discuss is what would happen if the Town has one, two or three bad years, or in the event of a recession, which may last for several years. He remarked that budget increases are for real spending, and if things are going to be cut then *you will need to tell the people that this is what this proposal is going to do, and you will be cutting services, whether it is the rate of increase you are talking about or not, because everything increases. What if in any given year inflation is six percent or five percent? You can't talk about the average; you have to talk about the year you are in because otherwise you are going to be in a hole. Why don't you let your representatives deal with that particular situation, rather than tying their hands?* Mayor Wright stated that they can agree to disagree about the topic. Commissioner Briggaman indicated that Connecticut has the highest per capita salary in the country only because of Fairfield County. Commissioner Boorman replied that Fairfield County is part of the State.

(Note – remainder of minutes done without tape – tape not available)

The Commission agreed to combine discussion on agenda items IV-C: Discussion – As Time Allows, Review/Comparison of Suggested Amendments to the Charter to Date and IV-D Discussion – As Time Allows, Follow Up on Questions Related to Other Sections of the Charter that have been Previously Discussed.

The Commission briefly discussed the formatting of the revision documents.

The Commission agreed to review the revision document section by section to identify any further changes, questions, or follow up items for discussion. Commissioner Briggaman noted that the Commission is waiting for more information from Atty. Clark on Sections 815, 818 and other Sections. (Atty. Clark had exited the meeting at 7:00pm).

Section 101

No additional questions or changes

Section 102

Commissioner Briggaman noted that the fifth line of the section “to affect the rights of the town to collect any assessment, charge, debt or lien” that the comma after “charge” should be removed and the word “or” entered into its place.

Commissioner Bafundo noted that in her version, the words “debt or” reads “debtor” in error.

Section 103

Commissioner Boorman noted that the phrase “Amended Effective 1-1-92” should be removed from all sections.

Section 201

The word “election” in the first sentence should read “elections”.

Commissioner Boorman noted that the phrase “chosen and qualified” is inconsistent with language in Section 202 which states “elected and qualified”. Commissioner Nafis noted that a representative may be chosen rather than elected in the event that the individual is filling a vacant seat. The Commission agreed to change “elected” to “chosen” for consistency.

Section 202

The Commission spoke about various speakers’ concerns that the election of Board of Education members is more of a coronation than an election since only one candidate is not elected, and noted suggestions of widening the candidate pool to twelve from ten. Commissioner Boorman noted that while the suggestion had been discussed he is unsure whether the number of candidates should be mandated in the Charter. Commissioner Briggaman inquired as to why twelve candidates don’t run as they do for the Town Council and inquired how the number of candidates is chosen. Mayor Wright explained that the political makeup of the Board is different than it is for the Council and explained that the ten candidates is to prevent a greater than 5-4 majority by any one party. He noted that with the twelve candidates that run for the Council there is the possibility of a 6-3 supermajority. Commissioner Briggaman noted comments from previous speakers that once Board of Education members walk through the door into a meeting there are no more political lines. Commissioner Nafis remarked that the parties will not want to put up additional candidates. Mayor Wright remarked that technically only ten candidates run for Town Council, with the other two candidates running for Mayor for a total of twelve candidates.

Section 201-B

Commissioner Briggaman noted previous comments about the duties of the Fire Chief and the Fire Commissioner as well as comments regarding the Board of Fire Commissioners. The Commission agreed to table the discussion and readdress the section at a future meeting.

The Commission agreed to table the remainder of the discussion on agenda item VI-D until Attorney Clark could be present to answer questions and provide updates.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Boorman distributed an article from the Hartford Courant entitled “Direct Democracy Would Mean Sheer Chaos” by Rick Green, and read excerpts from the article:

On Election Day, California voters will burrow through a pile of a dozen complicated referendum questions. They must decide about gay marriage and teenage abortion. They will be asked to fork over for high-speed trains, cops, drug criminals, renewable energy, hospitals and veterans — with no understanding of how this might affect the budget. This seat-of-the-pants government could come to Connecticut if the folks behind the constitutional convention vote campaign succeed. Next month, a ballot question will ask whether we should hold a constitutional convention, which could lead to an amendment allowing these "citizen initiatives." Supporters refer to this by the cunning name of "direct democracy." It's more like Voters-Gone-Wild. These days, a good portion of government in California revolves around these referendum questions and special interests pushing their various agendas. Don't like something? Forget our representative democracy — just gather signatures and start a knee-jerk campaign: Stop teacher unions! Legalize pot! Rebates for Prius drivers! "It has voters making policy decisions in a vacuum," said Jennie Drage Bowser, a policy analyst who studies citizen initiatives for the National Conference of State Legislatures. Voters in Connecticut should pay attention to the crafty campaign pushing to bring this referendum chicanery here. The real goal is to force their costly special agendas down our throats — again and again. Citizen initiative, if passed, could break the state budget because proposals placed on the ballot have costly price tags. It could also ruin the budget in another way: A ballot question in Massachusetts this year proposes eliminating the state income tax, removing a third of state revenue that pays for roads, schools and police. In Colorado, voters have approved constitutional amendments that mandate simultaneous budget cutting and increases for education. Why bother passing laws or balancing the budget if we're going to bring every important question to the voters? According to the Initiative and Referendum Institute at the University of Southern California, the referendums increasingly are about social issues or slashing — or greatly expanding — government spending. In Colorado this fall, voters will consider 18 ballot questions. In Arizona, they are so fed up with this direct democracy that a ballot question next month proposes restricting measures that raise taxes or require new spending. Florida has already scaled back its initiative law. Good laws and effective government programs are achieved through informed debate and compromise, not emotional referendums that reduce the process to a yes-or-no vote. Would the Voting Rights Act have been approved in the South in 1964? I doubt it. Meanwhile, the reality is that "special interests and the party bosses today have been very effective at using the initiative process," said Daniel Smith, a political science professor at the University of Florida who studies citizen initiatives. A few weeks ago, the Sacramento Bee newspaper warned that "the initiative industry is out of control. ... We have initiatives on the ballot this year sponsored by out-of-state billionaires and groups that want the constitution to specify the size of chicken cages." One of the hottest questions in California is about the size of cages for chickens and other farm animals. Is it any surprise that California — the chaotic epicenter of direct initiative referendum voting — is verging on bankruptcy these days?

Commissioner Boorman noted that while the article is not about the topic of budget referendum, it uses the same buzzwords used in discussions about the referendum. Mayor Wright indicated that the article is an op-ed piece and that Rick Green is not an expert on the subject matter. Commissioner Boorman stated that the more information, and the more opinions that the Commission hears, the better.

VIII WRITTEN COMMUNICATION FROM THE PUBLIC - (none)

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane, Town Council Member: Mrs. Cohen warned about the possibility of a decrease of non-tax revenue on a budget and noted that in that instance the Town would have to figure out a way to make up for the decrease elsewhere. She also commented that she finds it insulting that the expertise of the Council's vote on the budget is being compared to the expertise of the public, and stated that anyone who runs for office should have more expertise than the average citizen.

Rose Lyons: 46 Elton Drive: Ms. Lyons indicated that she has been a resident of the Town for sixty years, and stated that as a working senior she is against the budget referendum. She also stated concern about the proposed education circuit breaker. Ms. Lyons noted that while she has a daughter that went through the Newington school system and she stated that the schools should not necessarily have an advantage over the Town in the budget. She remarked that she does not see where the taxpayers and the voters will have a choice as to where the money is spent — she only sees it as a "yes" or "no" question on a ballot. She also

noted a recent Board of Education meeting in which there was a proposal to provide tutors for athletes that are not making good grades, and remarked that if an athlete cannot make the grades then he or she should get off the team. She stated that she is against the education circuit breaker.

X COMMENTS BY COMMISSIONERS

Commissioner Briggaman noted Ms. Lyons' previous comments regarding no one from the public speaking in favor of a budget referendum and clarified that eleven different members of the public have come forward at some point to speak in favor of a referendum. Commissioner Boorman inquired as to how many members of the public have spoken in opposition to the referendum. Commissioner Briggaman replied that he is unsure of the answer but offered to pull the number together.

XI ADJOURNMENT

Commissioner Boorman moved to adjourn the meeting at 8:41pm. Motion seconded by Commissioner Briggaman. Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission